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Paper No. 146

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AUG 21 2002

In re Application of
Louis B. Rosenberg
Application No. 09/852,401
Filed: May 9, 2001
Attorney Docket No. IMM005B

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed by facsimile transmission on August 19, 2002, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 15, 2002 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

At the time of rendering the instant decision, the file was unavailable. However, Office computer database records do not reflect that petitioner herein was ever appointed as attorney of record. The instant petition under 37 CFR 1.313(c)(2), RCE, and IDS are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Philip H. Albert appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose

¹ The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**

behalf he acts. However, if Mr. Albert desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Albert, the petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

Upon receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2675 for processing of the request for continued examination under 37 CFR 1.114.



Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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